

LINCOLN PLANNING BOARD

JUNE 12, 2013

APPROVED MINUTES

The regular meeting of the Planning Board was held on Wednesday, June 12, 2013, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present: Kenneth Bostic, Gerald Olean, Tim Griffin, Michael Reilly, and William Murphy. Absent were Jeffrey DelGrande and John Hunt. Also in attendance were Town Planner Al Ranaldi and Town Solicitor Anthony DeSisto. Margaret Weigner kept the minutes.

Chairman Olean advised that five members were present; have quorum.

CONSENT AGENDA

Chairman Bostic stated that he would take a motion to accept the Consent Agenda as presented, unless someone wants to pull an item off the consent agenda. Motion was made by Mr. Griffin to accept the consent agenda as presented. Mr. Olean seconded the motion. Motion passed unanimously.

RECOMMENDATION TO TOWN COUNCIL – ZONING ORDINANCE AMENDMENTS

Mr. Ranaldi stated that in front of the Board are four proposed Zoning Ordinance amendments that the Planning Board has to review and determine whether or not they are consistent with the Comprehensive Plan.

Ordinance 2013-4: Zoning Amendment 260-7, 260-74, 260-81

The first ordinance – Ordinance #2013-4 is updating our Zoning Ordinance to be consistent with RI General Law. Recently there was a law passed that changed the definition of an overlay district. This is just memorializing it in our Zoning Ordinance. Some of the dates that we had were not consistent with the state law. This makes it consistent with the state law. There is nothing new.

Ordinance 2013-5: Zoning Amendment 260-7, 260-60, 260-74

Ordinance #2013-5 indicates a new item for our Zoning Ordinance and is enabled by the State Enabling Law. At the particular time that the Town made up the zoning ordinance, they chose not to do this. The town has revisited this and is presenting it to the Town Council for their consideration. It gives the Zoning Enforcement Officer the authority to administratively approve variances of 10% or less. There is a procedure to follow – notify residents by first class mail and must

wait thirty days for any objections. If there are any objections, the applicant would have to go before the Zoning Board. If there are no objections, the Zoning Official can approve the variance. It saves the residents the whole process of going before the Zoning Board. If the Zoning Official feels it is a big deal, he has the option to refer it to the Zoning Board.

Ordinance 2013-6: Zoning Amendment 260-9

Ordinance #2013-6 is based on what we found while using the code. The mixed use was asking for a special use permit for a mixed use purpose. We found that to be redundant. We propose to fix that by adding additional language to the application.

Ordinance 2013-7: Zoning Amendment 260-19

This ordinance is new and is called renewable energy. We have been hearing a lot about wind turbines and solar. There are two categories – the first one is renewable energy utility scale facility, which means something at a commercial facility. It spells out what can and cannot happen. The utility scale facility is only allowed by special use permit in a business zone. Panels cannot exceed 15 feet in height, and it must be within property setbacks. There are building height limits for roof mounted systems. Mr. Murphy asked if this applied to wind turbines and Mr. Ranaldi replied this applies to solar. The second category is the renewable energy residential scale facility

that has the same conditions and it must fit the square footage of an accessory structure (shed) which is 500 sq. ft. for ground mounted installation. It keeps it at a residential scale.

Mr. Reilly asked how the board would look at these proposals – do we look at whether it fits in the neighborhood? Chairman Bostic commented that this is a permanent structure. Why couldn't the Board require the resident to put trees around it? Mr. DeSisto replied that it could be a condition of approval. The board must find that it fits in the neighborhood. The Board has to make a recommendation to the Town Council stating that the ordinances comply with the Comprehensive Plan. The Board can also suggest that language be put in for appropriate landscaping, etc. Chairman Bostic stated that since this is being treated as an accessory structure and can be six feet from the property line, there should be a provision to have trees around the facility so it is not an eyesore.

Mr. Murphy commented that wind turbines are becoming more popular. Mr. Ranaldi stated that a permit would be needed to install one. Mr. Murphy stated that he would want to look at what the residents want to put in. Mr. Ranaldi stated that the height is limited to 35', as well as other restrictions. Also, since wind it needed for a wind turbine, there are limited areas that would produce the wind needed. The town encourages residents to use wind turbines.

Mr. Ranaldi that that he put together a draft that the Planning Board

objectively reviewed the proposed zoning ordinance amendments against the Comprehensive Plan and recommends approval of the amendments and the Board finds that the amendments are consistent with the general goals and policies of the Comp Plan. According to Section 20-342 of the Town's Code of Ordinances, the Board shall include a statement on the general consistency of the proposal with the Comp Plan, and it that it meets the findings necessary in Article 1 of the Zoning Ordinances.

Chairman Bostic suggested an amendment to Ordinance 2013-5 for minor variances. He would like the TRC to look at applications that the Zoning Enforcement Officer could approve administratively. Other members agreed that it would serve as a check and balance.

Mr. Olean asked about the agenda and the Ordinance Amendments numbers. On the agenda, Ordinance A is listed as 2013-4, B is listed as 2013-5, C is listed as 2013-4, and D is listed as 2013-4. Mr. Ranaldi stated that it was a typo. Ordinance C should be 2013-6 and D should be 2013-7. Mr. DeSisto advised that a motion could be made to correct the typos in the agenda. Mr. Olean made a motion to correct the typo errors on the agenda. Mr. Griffin seconded motion. Motion passed unanimously.

Mr. Olean made a motion to accept the recommendation of the TRC with the revisions discussed at tonight's meeting – to be able to suggest landscaping around solar structures, to have the TRC review

the minor applications before the Zoning Enforcement Officer approves them and to advise the Town Council that the amendments comply with the Comprehensive Plan.

SECRETARY'S REPORT

There were no minutes to review.

There being no further business to discuss, on a motion made by Mr. Griffin and seconded by Mr. Reilly, it was unanimously voted to adjourn. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Margaret Weigner

Attached June TRC Report:

On June 5, 2013 at 3:00 pm, the Technical Review Committee met to review the agenda items for the June 12, 2013 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, and Russell Hervieux. Below are the Committee's recommendations.

Recommendation to Town Council - Zoning Ordinance Amendments Review and Discuss /

- a. Ordinance 2013-4: Zoning Amendment 260-7, 260-74, 260-81 Approval**
- b. Ordinance 2013-5: Zoning Amendment 260-7, 260-60, 260-74**
- c. Ordinance 2013-4: Zoning Amendment 260-9**
- d. Ordinance 2013-4: Zoning Amendment 260-19**

The Technical Review Committee met to review the proposed Zoning Ordinance amendments to the existing Zoning Ordinance. The TRC objectively reviewed the proposed Zoning Ordinance amendments against all elements of the 2009 Comprehensive Plan. The Technical Review Committee recommends Approval of the proposed Zoning Ordinance amendments. The TRC finds that the amendments are consistent with the general and specific goals and policies of the Comprehensive Plan.

Enclosed within your packet is the full draft recommendation that, if the Planning Board agrees with the Technical Review Committee's recommendation, can be finalized and submitted to the Town Council.

The recommendation was developed in accordance to the requirements of Section 20-342 of the Town of Lincoln's Code of Ordinances.

Zoning Applications (*) – July's Zoning Applications

**Link Commercial Properties LLC, 1150 New London Avenue,
Cranston, RI – Application for Special Use Permit for signage for a
multi-tenant commercial building at 613 George Washington Highway,
Lincoln, RI**

AP41, Lot 9 Zoned: BL 0.5

Members of the Technical Review Committee visited the site and reviewed the submitted plans and the application for a special use permit for new signage at the proposed multi-tenant commercial buildings – tenants to be determined - located at 618 George Washington Highway. The submitted application is for a special use permit to allow signage in excess of the allowed square footage and a special use permit to allow a number of signs in excess of the limit allowed under the ordinance. The applicant is proposing a two sided pylon sign totaling 200 square feet, a proposed restaurant sign totaling 80 square feet, a proposed bank sign totaling 60 square feet, and a multi-unit retailing building with a total not to exceed 250 square feet of signage. The total square footage of signage requested is 590 square feet.

The Technical Review Committee recommends Approval of the proposed signage package as presented within the submitted plans. The TRC noted that the proposed bank and the proposed restaurant are significantly setback from the roadway in excess of 130 feet. The Technical Review Committee feels that the signage package is reasonable giving the unique nature of this property. The Committee finds that the applicant presents a realistic signage package for the

property and is the least relief needed. The TRC feels that granting the special use permits will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Lino Corredora, 40 Chapel Street, Lincoln, RI – Application for a Special Use Permit to redevelop a commercial building into a four unit residential dwelling.

AP3 Lot 176 Zoned: RG 7

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this application for a special use permit to convert a commercial building into a four unit residential dwelling. The TRC feels that the surrounding neighborhood is made up of a variety of housing units ranging from single family homes to four family homes. The special use permit will not change the appearance of the building. The TRC feels that granting the special use permit will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Continued from the June 4, 2013 meeting

International Café, 1526 Old Louisquisset Pike, Lincoln, RI/Elia Palombo, 1 Riote Road, Smithfield, RI – Application for Dimensional Variance seeking parking relief for restaurant with expansion.

AP 42, Lot 19 Zoned: BL 05

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. Currently, the existing parking is grandfathered for the existing use. The applicant is proposing to expand the use on the property. An outdoor dining patio has already been installed to the rear of the property without a building permit or the advice from the zoning official. Therefore, according to our Zoning Ordinance, the property would have to be brought up to today's zoning standards. Permanent on-site parking is required to accommodate the parking needs of the existing building as well as the exterior dining patio.

The applicant met several times with the Zoning Official and Town Planner to discuss his project and what type of information would be needed for a dimensional variance application. Unfortunately, the submitted information is not correct. The applicant did not calculate the parking requirements based on the posted building and patio occupancy. The submitted package did not contain enough detailed and accurate information to answer questions regarding safety and the amount of existing and proposed parking. Also, the submitted plan is not stamped by a professional land surveyor.

The Technical Review Committee recommends denial of this application for a dimensional variance seeking parking relief for restaurant with expansion. The TRC cannot visually identify any available areas to redevelop into new parking spaces. The TRC also took into consideration that the application is for a commercial business venture and did not present accurate information to the Town even after meeting with the Town staff several times. Due to

the noted deficiencies of the application, the Technical Review Committee could not evaluate the application against the standards of a dimensional variance or the Comprehensive Plan.

Correspondence/Miscellaneous (*)

a. Staff Reports